

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : NOTICE OF MOTION
: IN LIMINE
-v.- : 99 Civ. 9940 (LAP)
: ECF Case
PORTRAIT OF WALLY, :
A PAINTING BY EGON SCHIELE, :
Defendant *in Rem.* :
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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law of Plaintiff United States of America and Claimant Estate of Lea Bondi Jaray in Support of Motion in Limine to Exclude Evidence, dated May 10, 2010, and the documents submitted in support of the motion, and upon all the pleadings heretofore filed in this action, Plaintiff United States of America, by its attorney Preet Bharara, United States Attorney for the Southern District of New York, and the Claimant Estate of Lea Bondi Jaray, by its attorneys Herrick, Feinstein LLP, will move this Court, before the Honorable Chief Judge Loretta A. Preska, United States District Judge for the Southern District of New York, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, on a date and time to be set by the Court, for an Order to (1) exclude the testimony of the following seven witnesses that the Leopold Museum-Privatstiftung (the “Leopold Museum”) intends to introduce at trial: Elisabeth Leopold, Martin Eder, Robert Holzbauer, Jane Kallir, Hildegard Bachert, Special Agent Bonnie Goldblatt, and Edith Renee Southwell, (2) exclude parts of the testimony of Dr. Rudolf Leopold, and (3) exclude

certain of the documents on the Leopold Museum's exhibit list, and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the prior Order of the Court, opposition papers, if any, are to be served on counsel for the Plaintiff on or before Friday, May 28, 2010.

Dated: New York, New York
May 10, 2010

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

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